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GENERAL COUNSEL'S OPINION NUMBER 55-30, DATED 4 NOVEMBER 1955

The Agency may not provide a special educational allowance for the children of military details in excess of that authorized by the military service.

TO THE SSA/DDS

25X1A 1. Your memorandum of 31 October 1955 forwarded a memorandum from the Chief, NEA, requesting payment of a special education allowance for the children of R.N.E., Chief of Base, B--. Mr. E. is a Navy Chief Petty Officer detailed to the Agency. The education allowance would be that authorized by the Foreign Service Act Amendment of 1955, as set forth in Agency Notice [REDACTED]

25X1A 2. Agency Regulations [REDACTED] provide that military personnel detailed to the Agency will receive the rights and benefits to which they are entitled in their parent services. Agency Regulation 25X1A [REDACTED] provides that military personnel are entitled only to the pay, allowances and other monetary benefits to which they would be entitled were they serving their parent service at the same post of assignment. It also provides that military personnel serving outside the continental limits of the United States under cover or operational circumstances which necessarily result in the incurrence of living or quarters expenses in excess of those considered normal to a military officer serving his parent service at the same post of duty, may be authorized any of the normal or special allowances which would be authorized a civilian engaged by CIA for similar duties in lieu of the applicable military allowances.

3. The effect of applicable law and Agency Regulations is that detailed military personnel may be allowed only the benefits to which they are entitled in their parent services unless, because of security or operational considerations peculiar to this Agency, they are subjected to extraordinary expenses to which they would not be subjected if they were serving with their parent services.

4. Although Mr. E.'s position is unfortunate, there is no provision in law or regulations allowing us to reimburse him for the education expenses which he may be required to incur above and beyond the amount of his Navy allowance. Other Navy personnel assigned to B-- do not face this problem because schooling is provided by the organization to which they are assigned. However, it is not Mr. E.'s CIA assignment which prevents him from having the benefit which is provided for other Navy personnel on the Island, but, rather, the fact that he is not assigned to the one organization which provides schooling for employees' children. The fact is that no Navy personnel

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other than those detailed to CIA and the Navy oil inspectors are based on B--, but were other Navy personnel assigned there, their position would be the same as that of Mr. E., unless there were a sufficient number of children to justify the establishment of a school by the Navy. In that case, of course, Mr. E. would be able to send his children to that school.

5. It is the opinion of this Office that the Agency may not provide a special education allowance for Mr. E.'s children in excess of that authorized by his parent service because there is no showing that the excess costs are incurred solely because of peculiar security or operational requirements of the Agency.

6. If facts not available to this Office indicate that Mr. E. has incurred extra expenses by being put in a position in which his parent service would not have put him, solely because of the peculiar requirements of this Agency, there will be no objection to providing an extra allowance to reimburse him for these expenses.

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LAWRENCE R. HOUSTON
General Counsel

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